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03/13/2000

Francis J Maguire JR.

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WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN, BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

SHAPIRO, LEONID

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/524,491  
Filing Date: March 13, 2000  
Appellant(s): MAGUIRE, FRANCIS J

**MAILED**

**JUN 12 2007**

**Technology Center 2600**

\_\_\_\_\_  
Keith R. Obert  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 02.08.07 appealing from the Office action  
mailed May 23, 2006.

**(1) Real Party in Interest**

The real party in interest in this appeal is Francis J. Maguire, Jr., a citizen of the United States of America.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The summary of claimed subject matter contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Park (US Patent No. 5,695,406); Helman (US Patent No. 5,791,735).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-15 rejected under 35 U.S.C. 102(b) as being anticipated by Park (US Patent No. 5,695,406).

As to claim 1, Park teaches apparatus, comprising:

a support for supporting a user in reclining position (See Fig. 6A, Col. 7, Lines 24-35);

and a movable headrest (Fig. 2, items 16, 24, Col. 6, Lines 43-46 and Fig. 1g, items 12 (Notice that headrest 24 rigidly attached to relaxation base 12)) mounted on support (in the reference motion base) (Fig. 1C, items 14, Col. 5, Lines 39-50), for moving with rotational movements with respect to support (Fig. 1C, items 14), and supporting a head of user in executing rotational movements (See Figs. 1a-1d, items 12 14, Col. 9, Lines 46-47) while viewing images from changing directions (See Col. 9, Lines 47-50).

As to claims 3-4, 7 Park teaches headrest (Fig. 1B, items 12, 16, Fig. 2, item 24) is movable by actuator (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

As to claim 2, 5-6, 11-12, Park teaches a display (Fig. 2, item 20) and sensor (See Fig. 1C, items 12, 14, Col. 10, Lines 23-24) for providing images for viewing from changing direction (See Fig. 2, items 16, 20, Col. 6, Lines 31-39).

As to claim 8, Park teaches apparatus, comprising:

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a sensor coupled to a moveable headrest for supporting a user's head with respect to support (See Fig. 1, items 12, 14, 16), responsive to head movements of the user (See Fig. 1, items 12, 16), for providing a sensed signal having a magnitude indicative of differing directions-of-view corresponding to said head movements (Notice, that in order to produce visual stimuli coordinated with rotational movement of relaxation base with headrest relative to the motion base inherently must be sensor detecting those rotational movements) (See Figs. 1a-1d, 2, items 12, 14, 24, Col. 10, Lines 23-27);

a reality engine (external computer), responsive to said sensed signal, for providing an image signal indicative of a sequence of images from differing directions-of-view selected according to said sensed signal and corresponding thereto (See Col. 10, Lines 29-34); and

a display, responsive to said image signal, for providing said sequence of images for viewing by said user from said differing directions-of-view (See Fig. 2, item 20, Col. 6, Lines 31-39).

As to claim 9, Park teaches apparatus, comprising:

a reality engine (external computer), responsive to a start command signal, for providing an image signal indicative of a sequence of images from differing directions-of-view selected according to said sensed signal and corresponding thereto (See Col. 10, Lines 29-34); and

a display, responsive to said image signal, for providing said

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sequence of images for viewing by said user from said differing directions-of-view (See Fig. 2, item 20, Col. 6, Lines 31-39).

an actuator (Fig. 1D, items 15), responsive to actuator command signal, for moving a headrest (Fig. 2, items 16, 24 and Fig. 1C, items 12, 16) with respect to a support (Fig. 1c, item 14) with said headrest supporting a user's head (Fig. 2, items 16, 24 and Fig. 1C, items 12, 16) with movements respect to said support (Fig. 1c, item 14) corresponding to different directions-of-view (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

As to claim 10, Park teaches apparatus, comprising: a headrest (Fig. 1C, Items 12, 16) and a support (motion base) (Fig. 1C, item 14) for supporting a user in a reclining posture (See Fig. 6A, Col. 7, Lines 24-35) with a head of user resting on headrest (Fig. 1C, Items 12, 16) mounted on support (motion base) (Fig. 1C, item 14); headrest with movable headrest for supporting head of the user in executing head movements in a changing of head of user (See Figs. 1a-1d, items 12, 16 (Notice that headrest 24 rigidly attached to relaxation base 12), 14, Col. 9, Lines 46-47), a viewing images provided from a correspondingly changing direction of view (See Col. 9, Lines 47-50), head and headrest moving together (Fig. 1C, items 12, 16) in changing direction with respect to support (motion base) (See Fig. 1C, item 14).

As to claim 13 Park teaches relaxation base (Fig. 1B, items 12, 16, Fig. 2, item 24) with headrest (Fig. 2, items 16, 24) is movable by actuator (See Figs. 1a-1d, items 15, 50, Col. 9, Lines 46-63).

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As to claims 14-15, Park teaches support is continuously positionable (See Fig. 1D, items 15, 50, Col. 9, lines 27-63).

2. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park as applied to claims 1, 8-10 above, and further in view of Helman (US Patent No. 5,791,735).

Park does not disclose left and right rotational movements, left and right directions.

Helman teaches left and right rotational movements, left and right directions of headrest (See Col. 3, Lines 15-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide left, right rotation (changes in directions) in Park system in view of teaching of Helman in order to support user's head (See Col. 3, Lines 15-19).

#### **(10) Response to Argument**

On page 5, 2<sup>nd</sup> paragraph of Appeal brief, Applicant's stated in relation to independent claim 1 that the motion base 14 does not correspond to the support recited in claim 1, because the motion base 14 is not for supporting a user viewing images in a standing, seated, or reclining posture. However, Park teaches a support for supporting a user in reclining position (fig. 6A, item 12, col. 7, lines 24-35).

On page 6, 1<sup>st</sup> paragraph of Appeal brief, Applicant's stated in relation to

independent claim 1 that the motion base 14 by itself is unsuitable for supporting the subject. However, Park teaches a support for supporting a user in reclining position (fig. 6A, item 12, col. 7, lines 24-35).

On page 6, last paragraph of Appeal brief, Applicant's stated in relation to independent claim 1 that the headrest 24 is not movable relative to the relaxation chair 12, because the display hood 16 is attached to the relaxation chair. However, hood 16 with headrest 25 rigidly attached to the to the relaxation base 12 and moved relative to the motion base 14 (in the reference support is equivalent to the motion base and headrest is a combination of hood, headrest and relaxation base) (See Abstract and Fig. 1C, items 12, 14, 16, Col. 5, Lines 39-50).

Notice, that in Description Applicant's used Park reference as example (See Page 5, Lines 32-34 in the Specification).

On page 9, 4<sup>th</sup> paragraph of Appeal brief, Applicant's stated, that there is no motivation to combine the Helman reference with Park reference since Park shows a rigidly attached headrest to the relaxation base. However, combining the Helman reference with Park reference will give additional (relative to the movement of the motion base) movement capability 14 to the user.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (page 9, last paragraph of Appeal brief), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the



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claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

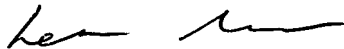
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Leonid Shapiro



Examiner

AU 2629

March 6, 2007



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Conferees:

Richard Hjerpe



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Michael Razavi



SPE

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